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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,244	01/22/2001	James S. Finn	WJT001-0024	1457
7590	02/22/2005		EXAMINER	
William J. Tucker, Esq. 14431 Goliad Dr. Box #8 Malakoff, TX 75148			NGUYEN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/767,244	FINN, JAMES S.	
	Examiner	Art Unit	
	Kimberly D. Nguyen	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 August 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-36 is/are pending in the application.
4a) Of the above claim(s) 1-13 and 33-36 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 14-32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/22/01.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

Amendment

1. Acknowledgement is made of Response to Restriction Requirement filed August 5, 2005, which applicant provisionally elects to prosecute claims 14-32 (Group II, drawn to a package information assimilation system, having a scanner, which comprises an optical digitizer for detecting line barcodes from a surface and a barcode processor for interpreting the output, etc) with traverse. Claims 1-13 and 33-36 are withdrawn from further consideration by the examiner, 37CFR 1.142(b), as being drawn to non-elected claims.

Claim Objections

2. Claims 17-18 are objected to because of the following informalities:

Re claim 17, lines 2-3: “the scanning end of said housing” lacks of antecedent basis and should be substituted with “a scanning end of said housing”.

Re claim 18, line 5: “the second area of view” lacks of antecedent basis and should be substituted with “a second area of view”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14-15 and 19-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Flaherty (US 5,565,670).

Re claims 14 and 22-23: Flaherty teaches a package information assimilation system, comprising:

a scanner (the handheld barcode scanner 20 in fig. 1), the scanner comprising an optical digitizer for detecting line barcodes (10 in fig. 1) from a surface and a barcode processor for interpreting the output of the digitizer (col. 4, line 45 through col. 5, line 6); and

an impulse radio interface interfacing with the barcode processor in communication with an impulse radio transmitter (“An RF transmitter within the scanner provides an RF signal...” (col. 2, lines 58-59)) for transmitting by impulse radio means the output of the barcode processor (figs. 1-6; col. 2, line 43 through col. 3, line 32; col. 4, line 13 through col. 5, line 58).

Re claims 15 and 24: Flaherty teaches a remote processing and storage device (the receiver 30 in fig. 1) including an impulse radio receiver (“The receiver comprises an RF receiving element adapted to receive the RF signal...” (col. 2, lines 59-61)) in impulse radio communications with the impulse radio transmitter of the scanner (col. 5, lines 46-58).

Re claims 19-21 and 25-27: Flaherty teaches the impulse radios determine the distance between the handheld scanner and remote device using impulse radio distance determination means (“The transmitting range between the scanner 20 and receiver 30 may be up to several hundreds of feet.” (col. 4, lines 40-41; col. 4, lines 35-45; col. 5, lines 32-45)).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16-18 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flaherty in view of Olschafskie et al. (US 5,574,804; cited by applicants and hereinafter "Olschafskie"). The teachings of Flaherty have been discussed above.

Re claims 16 and 18: Flaherty fails to specifically teach means for adjusting the magnification of the optical digitizer and thereby change the size of a first area of view.

Olschafskie teaches optical handheld scanner having means for adjusting the magnification (i.e. the zoom capability) of the optical digitizer and thereby change the size of a first area of view (figs. 1-4; abstract; col. 1, lines 63-67; col. 2, lines 26-37; col. 3, lines 11-63; col. 4, line 62 through col. 6, line 25).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate means for adjusting the magnification of the object to be scanned in the area of view of the scanner as taught by Olschafskie to the teachings of Flaherty in order to permit the user to view the line being scanned as the scanner is moved across the page (see Olschafskie's abstract).

Re claim 17: Flaherty fails to specifically teach the first movement means, mounted proximate a scanning end of the housing, for detecting movement of the scanner across a surface when the scanning end of the housing is moved along a line barcode to read the barcode through the first area of view.

Olschafskie teaches the movement means (i.e., the encoder wheel 38 in figs. 3 and 6 and or the encoder ball 40 in fig. 4) mounted proximate a scanning end of the housing, for detecting movement of the scanner across a surface when the scanning end of the housing is moved along

a line barcode to read the barcode through the first area of view (col. 4, line 62 through col. 5, line 53).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the encoder-wheel/moving-means as taught by Olschafskie to the teachings of Flaherty in order to track the movement/location of the scanner across the substrate.

Re claim 28: Flaherty teaches a method of scanning barcode information from a handheld scanner, comprising the steps of:

scanning the barcode with a handheld scanner (20), the handheld scanner including an impulse radio interface and an impulse radio transmitter therein; and

transmitting the barcode information to a remote location (30) by impulse radio means (figs. 1-6; col. 2, line 43 through col. 3, line 32; col. 4, line 13 through col. 5, line 58).

However, Flaherty fails to specifically teach the scanned information is text information.

Olschafskie teaches optical handheld scanner, which scans text/character information (figs. 1-4; abstract; col. 1, lines 63-67; col. 2, lines 26-37; col. 3, lines 11-63; col. 4, line 62 through col. 6, line 25).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the text/character scanning capability within the scanner as taught by Olschafskie in order to provide the text/character scanning functionality to the impulse-radio scanner as taught by Flaherty.

Re claim 29: Flaherty teaches the remote computer (30) includes an impulse radio receiver for receiving impulse radio transmissions from the impulse radio scanner ("The receiver

comprises an RF receiving element adapted to receive the RF signal..." (col. 2, lines 59-61))
(col. 5, lines 46-58).

Re claims 30-32: Flaherty teaches the steps of determining the distance between the handheld scanner and remote device by impulse radio techniques ("The transmitting range between the scanner 20 and receiver 30 may be up to several hundreds of feet." (col. 4, lines 40-41; col. 4, lines 35-45; col. 5, lines 32-45)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KDN
February 14, 2005


DIANE I. LEE
PRIMARY EXAMINER